

Meeting of 1997-10-16 Special Meeting

MINUTES
SPECIAL CALLED MEETING
LAWTON CITY COUNCIL
OCTOBER 16, 1997 - 5:30 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

John T. Marley, Mayor, Also Present:
Presiding Gil Schumpert, City Manager
Felix Cruz, City Attorney
Brenda Smith, City Clerk

The meeting was called to order at 5:30 p.m. by Mayor Marley. Notice of meeting and agenda were posted on the City Hall bulletin board as required by State law.

ROLL CALL

PRESENT: Richard Williams, Ward Two
Jeff Sadler, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Carol Green, Ward Seven
Randy Warren, Ward Eight

ABSENT: Jody Maples, Ward One

BUSINESS ITEM:

1. Hold a public hearing and adopt a resolution declaring the structures at locations listed below to be dilapidated and detrimental to the health and safety of the community; prioritize the razing and removal of those declared to be dilapidated and detrimental to the health and safety; and authorize the expenditure of CDBG funds, if necessary, to demolish these structures. EXHIBITS: RESOLUTION NO. 97-____.

Schumpert said the following properties have been dealt with by demolition or remodel permits, or some action has been taken, and the properties will not be discussed at this time:

1601 B, 1613 Douglas, 1615 Douglas, 2604 G, 3416 Oak, 806 and 806-1/2 15th St., and 1205 H

Beller asked what had been done on the properties. He said he went to each location and used his own rating system, one through ten, and one of the parcels was in dire need of demolition.

Dan Tucker, Code Administrator, said on 1601 B the owner contacted him this afternoon and they have started putting a new roof on the structure and a door; the owner contacted Tucker at 2 p.m. today and shortly thereafter he had someone verify that the shingles are on the roof. Beller said that would be a remodel and Tucker agreed.

Tucker gave the following updates on properties shown above:

1613 and 1615 Douglas: Demolition permit issued 10/10 and structures are down.

2604 G: Remodel permit was issued 10/3.

3416 Oak: Letter was received yesterday from the owners agent; the property had been involved in a fire, there were a total of three mortgages, they have worked their way through the insurance company and two mortgage holders and anticipate within the next 30 days to finish with the third mortgage holders where they can take action. It is a remote owner and the owners agent lives in Dallas.

806 and 806-1/2 15th St.: Remodel permit was issued 10/10. 806 is being remodeled into a dwelling unit; the small building at 806-1/2 has been previously used as a rental unit and the utilities to that building are being removed and it will be used for storage.

1205 H: Removed from the agenda due to a defective notice; correct notice will be given and the property returned to Council.

Purcell asked how long staff had been trying to get those houses taken care of. Tucker said it started more in July when the second inspector was hired; there are between 190 and 200 residential and commercial properties that are in some stage of notification and inspection. Purcell said the same problem comes up where people are given time periods to remodel, and action is taken a day or two before Council is to act, some never quite finish and it is back before Council so the action only causes delays. Purcell asked how long the people who got the three remodel permits will have to bring the properties up to standards. Tucker said the code requires that work begin within the first 30 days of issuance of the permit and the permit is valid for a period of 180 days from the date of issuance.

Beller said when he looked at the property at 2604 G, he noticed down the street at 2610 there was, in his opinion, one much worse than the one at 2604. He said 1813 Douglas was also in dire need of attention. Beller asked how this list was arrived at to start on first and asked if inspectors were working in a neighborhood and missed the homes that should have been on the list. Tucker said this is the first group they could get complete notification processing on, and this is not nearly all of the list, but they are just first in us being able to complete all the steps.

Beller said 729 SW 45th Street is on the list and next door at 727 SW 45th Street, it is boarded up. He asked if the City owns that property. Tucker said yes. Beller asked what would be done with it. Tucker said notice was provided to those City departments responsible for structures and they are in the process, within the past year or two of fixing the sewer mains where the sewer could be connected to the house. Tucker said the property is under the control of the Housing and Community Development Department and is being placed in one of the home programs. Beller said it appeared the home could be salvaged and Tucker agreed.

Shanklin said when the ordinance was passed it was not meant to tear down properties. He said he was interested in structures which had been abandoned and giving the owner an opportunity to bring them to code. Shanklin said if people want to spend money to bring their houses to code, he was in favor of that happening and the building permit lasts six months. He said he was not interested in tearing houses down just to be doing that and was interested in having the houses brought up to code so everyone could be proud of the structure. He asked Tucker if that was how he viewed the ordinance. Tucker said yes. Tucker said he had categorized the houses in three ways; Category A are houses that are currently dilapidated and a list of required corrections was not provided to the owner; staff recommendation is that those properties be condemned. Shanklin asked Tucker if, in his opinion, those structures cannot be remodeled. Tucker said yes. Shanklin said he disagreed.

Tucker said those in Category B are not currently habitable, and that does not mean they are dilapidated. He said the wording in the code is that if the structure is empty, staff is to do an inspection and see if it is habitable. Tucker said some of these properties lack only installation of plumbing fixtures or connection of the heat to be habitable. Staff recommendation on properties in Category B is to continue only to monitor them, and if they become a blight to the neighborhood or open to transients or deteriorate to Category A, that they brought back before Council.

Tucker said the difference between Categories B and C is that staff was able to make contact with the owners in Category B; staff has been able to get inside, go through the houses with them and provide a list of things needed to make them habitable. On Category C, staff was unable to make contact with the owners, but from the appearance on the outside, they appear secure and do not appear to be a problem to the neighborhood or in immediate danger of falling down. Recommendation is to continue to monitor these vacant structures, and if they become blighted or a hazard, they be returned for Council action.

Shanklin asked if all the structures shown have not had water or utility service in a year. Tucker said full utilities, yes, some may have had water but did not have electric or gas; they have not been inhabited for a year or more.

Schumpert asked if staff recommendation is to condemn eight properties from the entire list and Tucker said yes. Shanklin asked Tucker if he saw all the Category A properties himself. Tucker said no, an inspector has gone out and videos are available of all the properties. Shanklin said he disagreed with one of those in Category A that it could not be remodeled.

Williams asked if there are no violations on the B and C properties but they are only vacant and have no utilities. Tucker said the properties are not habitable, some may be lacking plumbing fixtures; the experience has been that if the owners put in things of value, such as plumbing fixtures, that they are broken into and vandalized and the property stolen so they have just left those things out.

Williams asked if there are any violations on the B and C properties. Tucker asked if he meant they are open and unsecured or a blight to the neighborhood. Williams said yes. Tucker said no, in his opinion, they are not. Schumpert said they appear on the list only because they have not had utilities. Tucker said they are not habitable.

Shanklin said the ordinance provided that if the property did not have service to it, that gave the inspectors the

right to demand to see the inside or put it on demolition and force the owner to get a building permit and then the inspectors get inside to see. Shanklin said he wanted the properties brought to code so they could be habitable and that some in Old Town North have been boarded up for ten to 15 years, although none are on this list, but they will be eventually.

Williams said if a house is vacant and secure and the yard is cleaned up and it is not a blight to the community, why should a person have to be living in it. He said it is not against the law to have a house that is not occupied as long as it is cleaned up and taken care of.

Purcell said if one of the A properties has the owner here and he is given permission to remodel it, and it is not condemned, what happens at the end of six months when it is in the same condition. Shanklin said the property is torn down and the owner has been given a fair opportunity. Williams said that has happened in the past and people have requested extensions. Shanklin said they should be examined on an individual basis and that he was not here to tear everything down but wanted properties repaired or torn down. Shanklin said the resolution provides the person two weeks to get a building permit or the structure will be torn down. Tucker said the resolution gives the owner two weeks to get a building permit to remodel and if they fail to do that, we proceed with the demolition.

Tucker suggested considering the B and C category properties so those in the audience would not have to remain for the entire meeting. He said if Council concurred with staff recommendation, he would request guidance that those in the B and C category not be brought back each time. Mayor Marley said some B and C may be suggested to be moved to A and the owners would have left so it would be best to go through the list.

Tucker said 104-1/2 NW Bell is in Category B and can be remodeled. Shanklin said that is in Ward 5 and he looked at it again today and asked if the owner was not going to be required to bring it to code. Tucker said it is secured so staff recommendation is to monitor it and if it becomes open then it would be brought back for condemnation. Shanklin said that was not the intent; properties were to be brought to code or torn down. Schumpert said Council action would be to direct that and it would be done; the sheet shows staff recommendation. Schumpert said staff recommendation is the property is not habitable, however, a list has been given to the owner and staff recommendation is to continue to monitor it because it does not fail to meet any of the city codes; it meets all the city codes and the only problem is that it is not habitable. Schumpert said it is boarded up, the yard is mowed and there are no code violations at this time. Tucker said nothing that would present immediate hazard to someone in the vicinity unless they enter the building, and it is boarded up although it may have been torn up since then. Shanklin said the longer it remains in this condition, the more deterioration will occur, and the whole idea was to bring the structures to code.

Purcell said whether it is an A, B or C, if Council thinks they should be condemned, that should be done tonight; if it is condemned, the owner has two weeks to come in and get a remodeling permit and six months to remodel it to bring it to code. He said if nothing is done tonight, it will be there three years from now. Shanklin said Council is passing over this item. Schumpert said you are at the point where Council decides what it wants to do with this item; recommendation is not to do anything but if Council wants to condemn it, that can be done. Shanklin said the A, B and C classes are not in the code. Schumpert said no, that is the staff recommendation. Mayor Marley said Council can approve demolition if it feels that is right.

Williams asked if 104-1/2 Bell has any violations whatsoever. Tucker said it has violations, it is not habitable; all of those in Category B are not habitable for one reason or another. Tucker said some of them are not habitable because there are no plumbing fixtures, others may not have interior walls, but they are secured from casual entry. Williams said he did not think Council had the power to tell people to bring it to code if there are no violations or health or safety concerns. Shanklin asked why the ordinance was adopted.

Cruz said the city code and statute define a dilapidated structure. He said in the revision to Chapter 6, a provision was included that if the building is not habitable by virtue of not having been lived in or having plumbing or service to it in the past year that it should be considered for demolition. He asked Tucker if that was correct. Tucker said that would cause it to be inspected and brought to Council for a decision. Cruz asked if 104-1/2 Bell meets the definition of a dilapidated structure as provided in the city code and state statutes. Tucker said it does not. Tucker said it is not dilapidated at this time; it is not habitable, and that is the reason it was brought forward. Tucker said many of those in Categories B and C are not structurally unsound or dilapidated, they are just not habitable. Schumpert said they may not look pretty. Tucker said they may need painting or siding.

Shanklin said this one needs a roof. Tucker said if it requires a roof, that would be something they would get inside to determine if there was structural damage. Tucker said staff contacted this owner, and the owner said she would not have the keys to open it to be inspected at that time; it is a wood frame structure, it is fenced in and it is secure.

Shanklin said there are numerous properties that have been vacant for five years or longer and they have deteriorated. He said to leave the structures in the same condition is to have done nothing. Shanklin said they should be brought to code or torn down. Williams said he favored having owners bring dilapidated structures to

code but did not know if Council had the right to tell owners, if the structures are not dilapidated, to bring it to code. Shanklin said the attorney said they do and the code does, and if that is not the case, the meeting should adjourn.

Beller said he concurred with Williams that if it is not a dilapidated structure, why would we insist that it be demolished. He said there are hundreds of structures that should be in the A category and asked why the list was not only those that truly need to come down. Beller said he looked at 104 Bell, because that was the address originally shown, and took notes that a person was there upstairs with a radio on. Shanklin said they are not tearing anything down but only giving the owner an opportunity, if it is economically feasible, and if it is not, then it needs to be torn down because it is a blight. Beller said he had looked at some of the homes and they were not blights. Shanklin said it may be economically feasible to repair them and Beller said that would be a matter of judgment. Shanklin said it would be up to the owner as to whether he wanted to spend \$10,000 to \$12,000 to bring a property up to code.

Mayor Marley said if it does not meet code, then it should be demolished or the owner should get a permit and fix it. Shanklin said the owner should be given the opportunity to remodel it.

Schumpert said staff checked those homes which appeared to be dilapidated and a detriment to the health and safety of the community, in one category; the second category is houses that fall into the criteria of being vacant for a year or not having all utilities connected. He said the first category is the standard situation and Council usually cooperates with the owner if he is present and wants to remodel the structure. Schumpert said in the second category, Tucker is saying in the present condition, the properties do not violate the city codes, i.e., it is not detrimental to the health and safety, it is not dilapidated, but it is boarded up and the yard is maintained. He said for them to be habitable, certain things must be done to them; if the owner requests a building permit, he will be given a list of things to do to bring it to code. Schumpert said the building is not to code for an individual to live in, but it is to code as far as being dilapidated or detrimental to the health and safety of the community.

Shanklin said the code was to make them habitable or to tear them down; the owners were to be given an opportunity to bring it to code, and if it is brought to code, it is habitable. Schumpert said it is a legal question as to whether the City can cause an individual to take a house that is not in violation of the code, except that it is not habitable, and make them bring it to code.

Cruz said a house that has been determined to be dilapidated can be condemned and ordered for demolition, and a dilapidated structure is defined in the city code and in the statute as a building which is in a state of decay that it causes a threat to the health, welfare and safety of the community. He said in another section of the statute and in the code there is a provision that if the building is unsecured, we can order it secured and once it is secured, if it is not dilapidated, it should not be subject to condemnation. Cruz said to order condemnation and demolition of a structure, it has to be in a dilapidated condition, and from what he understood from Tucker, the buildings in Category B are not dilapidated. Tucker said that is correct. Cruz said they are not habitable because of certain conditions, some of them being not having the utilities connected to them, and under an ordinance adopted by Council when Chapter 6 was revised, that is one of the conditions to be brought to Council to let you know that this structure is not habitable by virtue of not having those facilities and then to tell the owners to make them habitable.

Schumpert said he understood it was also to put the owner on notice that if this house is allowed to continue to deteriorate, which it obviously will do if it is not inhabited and nothing is in it, then the owner is on notice that at a point in time the City will cause it to be torn down if no further action is taken.

Warren asked if the City could not legally demolish a house because it was not habitable, why are they on the list under the title to declare them to be dilapidated if they are not. He said he understood another list had been provided that had the properties broken down, but asked if the other addresses should be considered under another title. Schumpert said Oklahoma City has on its agenda lists of unsecured buildings and another one of dilapidated buildings.

Mayor Marley said there seems to be a difference of opinion as to whether a structure is dilapidated or not. Shanklin said he did not want the structures torn down but wanted them fixed. Warren said the City does not have the ability to threaten someone who owns property that meets code to paint it, unless a different ordinance is written. Shanklin said the ordinance provides the inspectors can enter and make them bring it to code. Warren said he was agreeing with Shanklin but if the inspector goes in and the property meets code, then the City cannot do anything else such as making them paint the house and take the boards off the windows. Shanklin said it cannot meet code with the boards on the windows. Williams said if it does not prove to be a health or safety risk to the citizens. Shanklin said it is when it is abandoned. Williams said yes, if it is open. Shanklin said they can be opened with a hammer.

Purcell said he felt the concern tonight should be with the properties shown with an A by them. He said there was nothing that could be done about B or C, although the owners could be sent letters telling them to watch the properties so they do not get to the A list if that is what is wanted, but the Council can only look at the A list which is properties declared dilapidated by the staff. He said if Council agrees, the condemnation would be done and the

owner would have two weeks to get a permit and six months to remodel.

Shanklin said he disagreed with the A, B and C individually. He said we have been condemning properties in the past for the same thing they are here for on B and C and they have been brought to code and very few have ever been torn down. Shanklin said those which were torn down were not economically feasible to be brought to code. He said the A, B and C part is the most confusing and that was not the intent.

Green said it would help her make a decision if she could see the videos if the properties are A, B or C. She said it was her impression that Council would make the last judgment. Williams said he could not tell much from the one video that was shown, other than the house needed to be painted; there were no apparent holes in the roof or windows.

Beller asked when it would be appropriate to make a motion to hold in abeyance properties listed as B and C as recommended by the department. Mayor Marley said the reason they started with B and C was because Shanklin felt the first one would be an A. Shanklin agreed. Mayor Marley said we should be sure what we are doing because if someone is present who wants to talk about it, if it goes to A, we have to let them know that. Beller said he would include in the motion that all that are designated B and C be held in abeyance at the direction of Tucker and Council would act when they are brought back and tonight we would only discuss category A, which are properties that are dilapidated. Mayor Marley said if there is an objection, it can be heard, and one member suggested a property be an A instead of a B and that is his prerogative although Council could vote as they saw fit. Shanklin said the film may not be adequate to let all members make the determination.

MOVED by Beller, SECOND by Purcell, that tonight the Council only consider Category A as designated by the Building and Safety Department.

Shanklin said if that is the intent of the code, he would support it and asked Cruz to respond. Cruz said if it was to make them habitable and bring them to code, the response was yes. Cruz said 104-1/2 Bell can be brought back at a later time.

Schumpert suggested Council could delete any from the B and C list to be considered individually if there is a disagreement. Shanklin said he would go with the motion to get action taken but suggested the members look personally at the properties and make a determination, and then rewrite the ordinance so it can be followed.

VOTE ON MOTION: AYE: Williams, Sadler, Purcell, Shanklin, Beller, Green, Warren. NAY: None. MOTION CARRIED.

Dennis Butler asked if properties could be identified. Mayor Marley asked that the A list be read, and stated if the property address is not on the A list that it would not be considered tonight. Schumpert read the A list to be considered tonight as follows:

703 NW Bell, 1403 NW Dearborn, 1405 NW Dearborn, 1407 NW Dearborn, 1805 SW Douglas, 1829 SW Garfield, 1625 SW Monroe, and 913 SW 4th Street.

Schumpert said all the other properties listed are not to be considered tonight. A man from the audience asked what would be done on those listed as B and C. Schumpert said they will be monitored by Code Administration because they are now on a list and they would be monitored probably monthly and if they become deteriorated, dilapidated or unsecured, the owner will be notified and if no action is taken, the properties will be recommended to Council for demolition.

703 NW BELL

Tucker presented the video of the property stating the house was heavily damaged on the interior by a fire; exterior is stucco, which shows little damage. He said he had contacted the owner who stated he had no intention of redoing the structure on the interior. Tucker said it is open, then it is closed.

Shanklin said the owner has paid off the two properties behind this and they are in A plus shape for rental units and that he had none in that category. He said this individual has the finances and ability to bring this to A plus shape and told that to Code Administration and he only wants a building permit. He suggested the owner be allowed to buy the building permit and bring it to code within six months, which he is willing to do.

Purcell asked if the same thing can be accomplished by condemning them, which will give the owner two weeks to get the building permit and six months to do the work. Shanklin said A is to condemn but the owner wants to do this, has told Manny Cruz he wants to repair it, and there was not a need to condemn it.

Schumpert said the sequence for those in Category A is that Council would condemn the property, and the owner would have two weeks to provide to Code Administration a list of the conditions they plan to correct and be issued

a building permit and have 30 days from that time to initiate positive action to repair the structure and have six months to fix it completely, and if he did not meet any of those time frames, then we would execute the condemnation.

Shanklin said he had no problem with that as long as staff understands that when the owner comes in within that two weeks time that the person will not be denied that building permit.

Cruz said the resolutions for each of these structures state that you have two weeks to come in and get a building permit, otherwise it will be demolished.

Williams said the tape was taken on October 8 and asked the owner why he had not come in to say he would take care of it as the others did on the first part of the sheet.

PUBLIC HEARING OPENED ON 703 NW BELL

Tucker said the resolution states the owner shall have 15 days to obtain a permit to tear it down and remove it. He said Shanklin is correct that if Council condemns it, as the resolutions are written, the only thing it does is give the owner 15 days to come in and tear it down. Schumpert said the resolution is supposed to be written as Purcell stated. Tucker said we have never had it written that way. Cruz said it can be written that way.

David Jung said he owns the property and would like to remodel it. He said he had contacted an inspector and was assured he could do it but later found he was on this list. Jung said he had to have plans and needed the permit but that he would do it.

MOVED by Shanklin, SECOND by Beller, to condemn this property with the understanding that he will be given a remodeling building permit for 703 NW Bell with six months to complete, and adopt the resolution as such. AYE: Sadler, Purcell, Shanklin, Beller, Green, Warren, Williams. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-127

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE.

Legal Description: Block 37, Lot 15, North Addition

1403 NW DEARBORN

Tucker presented a video of 1403 NW Dearborn and said the property was secured but had been broken into again. Properties at 1403, 1405 and 1407 NW Dearborn are adjacent and under the same ownership. Williams asked if 1403 had plywood or sheet rock over the windows and Tucker said plywood.

PUBLIC HEARING OPENED ON 1403 NW DEARBORN. There was no comment.
PUBLIC HEARING CLOSED.

MOVED by Williams, SECOND by Shanklin, to declare it dilapidated and take appropriate action to adopt the resolution to tear it down if the owner has not obtained a remodeling, building or demolition permit within two weeks.

Cruz asked if the motion on 1403 is to put it on the condemnation list, give two weeks and if the owner does not come in for a permit in two weeks then it will be demolished. Purcell said they have the option to get a building permit or a permit to tear it down, either one. Shanklin said the properties deteriorate the rest of the block and we are trying to enhance everyones properties.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Green, Warren, Williams, Sadler. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-128

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE. Legal Description: Block 23 Mid 40 of Lots 1-5, Mountain View Addition

1405 AND 1407 NW DEARBORN

Mayor Marley asked that these properties be considered jointly as they are under the same ownership.

Tucker presented a video of the properties. He said they have been vacant for 10-15 years according to the

neighbors. Shanklin said we are not following the ordinance because those that did not have utilities were to be inspected, brought to code or demolished. Purcell asked if Shanklin was saying Council should look at each B and C property on the list, condemn them and give the owners two weeks to get a permit to remodel or demolish. Shanklin said the whole idea was those structures which have been vacated for whatever reason for over a year, they be given an opportunity, not necessarily condemn them, but give them an opportunity to come in and buy a building permit or a demolition permit and bring them to code. Shanklin said if they cannot bring them to code today, they surely will not be able to three years from now.

Purcell asked what happens when the owners do not come in for either of the permits. Shanklin said they are demolished once the individual knows what is going to happen.

Mayor Marley said he could understand that but could see someone having an expensive home and being gone for a year or two somewhere else and they do not want to rent the house out, and they cut the utilities off because they are not here. Shanklin said the house being described is not what is being looked at. Mayor Marley said he knew that but it would fall in that category. Schumpert said Cruz needed to answer the question of whether Council could condemn a house because it is vacant. Tucker said because it is not habitable. Shanklin said he was not saying condemning but was saying bring it to code. Schumpert said Shanklin was saying if it is not brought to code that it would be torn down and that is condemnation.

Cruz said with the adoption of Chapter 6 it says Council can condemn a house that is not habitable and under that authority Council can do that. He said the State Legislature adopted a new statute very similar to the code Lawton has and it will be effective November 1, so even the State has recognized that a structure that is not habitable falls under the definition of a dilapidated structure.

Warren said Council does not have the power to tell someone to bring their house to code, but only to say if they do not, that the City will demolish it. He said we cannot tell someone to fix their house but not be able to do anything if they don't, we have to say we are going to demolish your house if you do not bring it to code. Schumpert said if he did not have plumbing fixtures and that was the only thing wrong and the inspector says you have to have them and you do not and the house is then torn down, he felt the City would pay for that. Schumpert said he may be wrong but did not feel the City could make a person paint a house. Warren said he thought you could if it did not comply with building codes but not the others. Mayor Marley said you have to have cause to condemn it. Warren said the attorney also said that under the ordinance that was passed, the fact that it is not habitable is a reason. Warren asked if Council could tear a house down for lack of a toilet and Cruz said it would render the house not habitable.

MOVED by Shanklin, SECOND by Warren, that 1405 and 1407 Dearborn be demolished and the resolutions be adopted giving two weeks to get a permit. AYE: Shanklin, Beller, Green, Warren, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-129

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE. Legal description: Block 23 W 50 of Lots 1-5, Mountain View Addition

(Title only) RESOLUTION NO. 97-130

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE. Legal description: Block 23, Lots 31-32, Mountain View Addition

1805 SW DOUGLAS

Tucker presented a video of the property. He said the property is across the street from Dunbar School. Tucker said there is no structure; demolition began and the building was being used as a church, the church hired someone to tear it down but did not finish and left it in this condition, a mound of rubble. He said it has been this way for quite some time.

Tucker said a response has not been received from the State Historical Society which requested another picture to make sure it did not have historical significance. Purcell asked if he was referencing the pile of junk on the ground and Tucker said yes, they are waiting for the response.

Mayor Marley asked if the Council had the authority to condemn it. Tucker said yes, if it is done without the letter from the State Historical Society, another funding source will have to be found other than CDBG. Mayor Marley asked what would happen if the Historical Society says it has historical significance and it cannot be condemned. Tucker said they do not have the ability to say it cannot be destroyed because it is not on the historical register. Cruz said it can be demolished but approval must be obtained from the State Historical Society to use CDBG

funding.

Tucker said the entire neighborhood of Old Town North has been proposed to be a historical district so no CDBG funding could be used in that area if that is approved.

Cruz asked if the building had been demolished. Tucker said it is laying on the ground; a contractor obtained a permit to demolish it and failed to perform his contract and walked away leaving the church with the property in this condition. Beller asked if the Church of the Living God is the property owner and Tucker said yes.

PUBLIC HEARING OPENED ON 1805 SW DOUGLAS

Bill Forney said he does demolition. He said demolition permits are issued to people who are not licensed or insured, but are only out after a fast dollar, and this is the result. Forney suggested a way be found where this would not happen again.

PUBLIC HEARING CLOSED.

MOVED by Green, SECOND by Williams, to remove the left overs and declare it to be dilapidated at 1805 SW Douglas and adopt the resolution. AYE: Beller, Green, Warren, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-131
A RESOLUTION: 1805 DOUGLAS

1829 SW GARFIELD

Tucker presented a video of the structure and stated that it has been vacant for a number of years. Williams asked if it is open and Tucker said no. Tucker pointed out that a post was leaning.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Green, SECOND by Shanklin, to declare the building unsafe and to be removed and dilapidated and pass the resolution regarding 1829 SW Garfield.

Cruz asked if this would be demolished. Schumpert said the resolution will say they get two weeks to get a building permit or demolition permit or the City will demolish it.

VOTE ON MOTION: AYE: Green, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. OUT: Warren. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-132
A RESOLUTION DETERMINING CERTAIN STRUCTURES TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURES. Legal description: Block 37, Lots 17-18, Lawton View Addition

1625 SW MONROE

Tucker presented a video of the property and said there have been no utilities connected or occupants since 1993. He said the roof sags and there is a definite tilt on the vent pipe to the heater.

PUBLIC HEARING OPENED ON 1625 SW MONROE

Green asked if the family has been contacted. Tucker said notice was mailed although staff has had no contact with them. Green said the owners daughter lives here but the owner has passed away. Cruz asked if notice was sent as required. Tucker said yes, it was posted and mailed to the owner in care of Mr. Allen and that notice was received.

PUBLIC HEARING OPENED. No one appeared to speak.
PUBLIC HEARING CLOSED.

MOVED by Williams, SECOND by Shanklin, to adopt the resolution declaring the structure at 1625 SW Monroe dilapidated and give them two weeks to come in for a permit or demolish it using CDBG funds.

Tucker said this is another property where we do not have an answer from the Historical Society. Williams asked that the motion be amended to use City funding if needed and Shanklin agreed.

VOTE ON MOTION AS AMENDED: AYE: Warren, Williams, Sadler, Purcell, Shanklin, Beller, Green. NAY: None.

MOTION CARRIED.

(Title only) RESOLUTION NO. 97-133

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE. Legal description: Block 28, Lots 19-20, Lawton View Addition

Green left the meeting at this time to attend a housing seminar at the King Center.

913 SW 4th STREET

Tucker presented a video of the property and said this is in an area which has had difficulty in the neighborhood; four vacant structures. He said some of the dilapidated structures were removed from an alley approximately a block and a half east of Lincoln Elementary School and the activity in the neighborhood has slowed down. Tucker said this particular property has been vacant for a long period of time, and the neighbors estimated about eight years.

Williams asked if it was open and Tucker said no, the City had secured it. Beller asked if this same building was discussed a few months back. Shanklin asked if was the crack house. Tucker said this house is on the south side of the alley and the crack house where the homicide occurred was on the north side of the alley, and the buildings behind it were demolished.

PUBLIC HEARING OPENED. No one appeared to speak.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Purcell, to pass a resolution. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Warren. NAY: None. MOTION CARRIED.

(Title only) RESOLUTION NO. 97-134

A RESOLUTION DETERMINING A CERTAIN STRUCTURE TO BE DILAPIDATED AND DETRIMENTAL TO THE HEALTH, BENEFIT, AND WELFARE OF THE COMMUNITY, AND ORDERING THE DESTRUCTION AND REMOVAL OF SAID DILAPIDATED STRUCTURE. Legal description: Block 4 E 125 S of 37-1/2 of Lot 2 and N 5 of E125 of Lot 3, Beal Addition

Mayor Marley said that concludes the properties to be considered tonight.

COMMENTS

Purcell said Cruz said the ordinance says approximately what the State law will say after November 1 and suggested all B and C properties be brought back after November 1. He said each should be condemned with the owner given two weeks to get a building permit or remodeling permit or demolition permit.

Mayor Marley asked why they are categorized and suggested any that do not meet the criteria not be brought forward. Shanklin said if they fall in the criteria set in state statute, the owners will tell you whether it is feasible to tear them down or if they are going to remodel. Purcell said they should be condemned and the owners will have the options but the City can demolish it if those options are not exercised.

There was no further business and the meeting adjourned at 7:00 p.m.